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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,425	03/30/2004	Eitan Lev	JEWEL-03	8848

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EXAMINER	
MA, CALVIN	
ART UNIT	PAPER NUMBER
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,425	LEV, EITAN	
	Examiner	Art Unit	
	Calvin Ma	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/30/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Provisional applications No.60/460,981 and No.60/490,618 are acknowledged.

Information Disclosure Statement

2. The reference listed on the information disclosure statement filed on 03/30/2004 have been considered. (see attached PTO-1449) .

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-16 recite the limitation "Processing means", respectively in line 3. There is insufficient antecedent basis for this limitation in the claims.

Claim 18 recite the limitation "the case", respectively in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims1, 17, 2, 5-13, 18-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonekura (U.S.P.G. Pub 2004/0110474) in view of Brewer. (U.S.P.G. Pub 2004/0057578)

Consider claim 1, Yonekura discloses a system for updating the appearance of jewelry (i.e. digital camera watch 2) (see Fig. 1), comprising:

an electronic ornament (2) to be worn by a person, having a case including: processing means (210), a memory (216) for storing at least one digital image (i.e. the

digital camera must store the photo taken while taking a picture) (see [0017]), a display (207) for displaying a selected digital image from said memory, and a receiver (215) for receiving said at least one digital image and storing them in said memory (see [0087],[0088], [0089]) and;

an electronic consumer device (4 and 3) (see Fig 1) including: processing means (see [0017]), and a transmitter for sending said at least one digital image to a receiver for receiving said at least one digital image and store them in said memory. (see [0068] and [0069])

But Yonekura does not explicitly teach a battery for energizing said microprocessor, display and receiver. Brewer teaches a battery for energizing said microprocessor, display and receiver (208) (see [0046]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the battery system of Brewer in the digital watch jewelry of Yonekura in order to power the electronic system for a long period of time. (see Brewer [0011])

As for claim 17, Yonekura teaches a method for updating the appearance of electronic ornament (2), said electronic ornament incorporating a microprocessor (210), a memory (216) for storing at least one digital image, a display (207) for displaying a selected digital image from said memory, a receiver (215) for receiving said at least one digital image and storing them in said memory; (see [0087], [0088], [0089]) said method comprising:

activating an application in an electronic consumer device, said electronic consumer device incorporating processing means (i.e. CPU 313) and a transmitter (i.e. Ir communication 305) creating digital image; (i.e. the digital images are created by the cell phone after deciphering the downloading network image data transmission) (see [0068] and [0069])

activating said application to transmit said digital images from said electronic consumer device to said electronic ornament via said transmitter; (i.e. the image is able to downloaded from the world wide web to the cell phone which is running an application and which then download it to the peripheral which is the digital camera watch) (see [0068] and [0069])

receiving said digital images by said receiver (215) incorporated in said electronic ornament (2) for storing it in said memory; (216) (see [0069])

and sending said stored digital images to be displayed on said electronic display (207). (i.e. the image is downloaded to the watch device and is there fore available to be displayed) (see [0068] and [0069])

Yonekura does not teach a battery for energizing said microprocessor, display and receiver. Brewer teaches a battery for energizing said microprocessor, display and receiver (208) (see [0046]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the battery of Brewer to the digital watch jewelry of Yonekura for the same reason as discussed in claim 1 above.

As for claim 2, Yonekura teaches the system in claim 1, wherein the data received from said electronic consumer device is in a compressed form (i.e. since both GIF and JPEG data images are said to be converted and sent to the network and at the same time able to be downloaded the image naturally have been compressed coming back to the cell phone unit) (see [0006]);

said data is stored in said memory(216) and is decompressed by said processing means (313) to one image at least. (i.e. when the image is stored in the flash memory 216 it is in compressed JPEG format and then converted to RGB data when actually being used, since the cell phone is able to download image from the network to the watch device, the compressed data can be decompressed when displayed) (see [0089])

As for claims 5 and 18, Yonekura clearly teaches the system in claims 1 and 17, wherein said case also includes a user interface (i.e. key input section 214) to control said display (207) (see [0087] and [0088]).

As for claims 6 and 19, Yonekura clearly teaches the system in claims 1 and 17, wherein said electronic consumer device is a personal computer (i.e. the PC that the digital camera link with via infrared connection) (see Fig 15, [0107]).

As for claims 7 and 20, Yonekura clearly teaches the system and method of claims 1 and 17, wherein said electronic consumer device is a cell phone. (4 and 3) (see [0088])

As for claims 8, note the discussion of Yonekura and Brewer above of claim 7 above, Brewer teaches said electronic ornament (i.e. since the watch formed device in Brewer also have the digital camera function and IR capability, it can be considered an ornament device also) (see Fig 5 and [0051]) forms a detachable part of said cellular telephone (600) (see Fig 6b) and said display is also operable as a functional screen of said cellular phone (i.e. now that the screen unit is attached on the cell phone unit it is the display of function since no other display exists) (see [0053]).

As for claims 9 and 22, Yonekura clearly teaches the system and method of claims 1 and 17, further comprising a server (52) for communicating with said electronic consumer device (4 and 3) and downloading thereto said at least one digital image. (see [0068])

As for claims 10 and 23, Yonekura clearly teaches the system and method of claims 1 and 17, wherein said server and said electronic consumer device (4 and 3) are communicating over the Internet (i.e. the World Wide Web WWW7 is carried over the Internet) (see [0068]).

As for claims 11 and 24, Yonekura clearly teaches the system and method of claims 9 and 22, wherein said electronic consumer device is a cellular telephone (4 and 3), communicating with said server over a cellular network. (6) (see [0068])

As for claims 12 and 25, Yonekura clearly teaches the system and method of claims 9 and 22, wherein said electronic consumer device (4 and 3) is capable of changing said digital images received from said server (52) using image processing techniques (i.e. since the combined cell phone unit is able to convert various other data type such as GIF and JPEG to RGB data, it uses image processing technique to compress and decompress) (see Fig. 5, Fig. 10, Fig. 11 and [0080])

As for claims 13 and 26, Yonekura teaches the system and method of claims 9 and 22, wherein said digital images received from said server (52) are in a compressed form; said digital images are decompressed by said electronic consumer device (4 and 3), to be transmitted to said electronic ornament. (2) (since the attached conversion unit 3 converts the RGB data created form the watch device and converts to GIF or JPEG or PNG file according to the URL the images are stored in a compressed form; the downloading of the image back to the conversion unit via the cell phone 4 is therefore transferring the compressed image back to the watch which decompress it and display it) (see [0080] and [0089])

7. Claims 3, 4, 15, 16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonekura in view of Brewer as applied to claims 1 and 17 above and further in view of Nohr. (U.S.P.G. Pub 2004/0196265)

As for claim 3, Yonekura teaches the system in claim 1, does not disclose at least one digital image is a plurality of digital images whose consecutive display forms an animated effect. Nohr teaches at least one digital image is a plurality of digital images whose consecutive display forms an animated effect (i.e. video). (see [0099]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the video display function of Nohr in addition to Yonekura's jewelry device as modified by Brewer since it provides a more flexible devices to increase expandability without sacrificing compact size. (see [0007] of Nohr)

As for claim 4, Yonekura teaches the system in claim 1, wherein said at least one digital image is a plurality of digital images, Nohr teaches said transmitter sends to said receiver also control data to be stored in said memory for defining order and the rate of displaying said plurality of images (since a video transmission is sent between the two device, the order and the rate is transmitted to allow a animated video effect to be displayed) (see [0099] Nohr).

As for claims 15 and 28, Yonekura teaches the method in claims 9 and 22, wherein said server also incorporates a database (9) (see Fig. 24) for storing digital images with at least one related attribute (i.e. filename) for each, such that said application in said electronic consumer device is able to receive from said server at least one image which its related attribute matches selection criteria (i.e. in order to upload the image or video file to the world wide web a file name is used to identify the image or video this is an attribute that is needed in the electronic storage of data) (see Fig. 26 and [0068]). Nohr teaches animation (i.e. video) (see [0099]). Thus, combining Yonekura would meet the claimed limitations.

As for claim 16, note the discussion of Yonekura and Brewer above in claim 9, Nohr teaches the system comprising: a cradle (700) (see Fig 7) for holding said electronic ornament (2) (i.e. since Brewer teaches the ability to remove the screen module from the watch device it would naturally be able to dock with the cradle in Nohr as a substitute of the watch assembly) (see Fig 5a of Brewer), the cradle including a circuitry for electronically coupling the electronic ornament to said electronic consumer device (i.e. connection to a desktop computer) (see [0162]), for downloading digital images to the electronic ornament memory (i.e. conduit to another computer) (see [0077]), said circuitry also charging a rechargeable battery of said electronic ornament (i.e. device recharged by cradle) (see [0077]);

said cradle (700) also capable of holding a memory card (1406) (i.e. removable media) (see [0161]), the card (728) electronically producing a code, identifying the card

owner to said server for crediting purposes (i.e. sending encrypted data to network to turn on any type of device)(see [0155] and [0157]); said cradle also capable of holding another type of memory card, the card holding digital images or animations in its memory, which said electronic circuit of said electronic ornament can access for reading(i.e. data storage that is capable of inputting, outputting) (see [0162]).

8. Claims 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonekura in view of Brewer as applied to claims 1 and 17 above and further in view of Luo. (U.S.P.G. Pub 2004/0093432)

As for claims 14 and 27, Yonekura teaches the system and method of claims 9 and 22, wherein said server (52) activates an application (WWW 7) according to control data received from said electronic consumer device, and afterwards transmitting said digital images to said electronic consumer device, but does not teach for changing said digital images using image processing techniques. Luo teaches changing said digital images using image processing techniques. (i.e. red eye correction can be requested through interacting with the processing server) (see Fig 4, and [0028])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the image correction of Luo in addition to Yonekura's image process system as modified by Brewer, in order to minimized computation load on a mobile device. (see [0008] of Luo)

Conclusion

Endo (U.S.P.G. Pub 2003/0195009) is cited to teach the synchronization of advertised images on cellular networks. Lee (U.S.P.G. Pub 2002/0182762) is cited to teach a wearable ornamental cell phone. Wang (U.S.P.G. Pub 2002/0155864) is cited to teach a datable display for a cell phone. Hori (U.S.P.G. Pub 2002/0184154) is cited to teach the transfer of image and video data across a cellular network.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571) 270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Calvin Ma

March 22, 2007

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER